

EXHIBIT L

In The Matter Of:

*Tammy Kitzmiller, et al. v.
Dover Area School District, et al.*

*Alan Bonsell
January 3, 2005*

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*Original File AB010305.TXT, 95 Pages
Min-U-Script® File ID: 2912591983*

Word Index included with this Min-U-Script®

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[1] would look at all of the information.

[2] Q: Is it your opinion that prior to passing this resolution
[3] there was not a level playing field in the Dover School
[4] District?

[5] A: Not when you are teaching one theory as fact.

[6] Q: What leads you to conclude that one theory was being
[7] taught as fact?

[8] A: If there is only one theory presented. But even —

[9] Q: Is it your testimony if only one theory is being
[10] presented, then it is being presented as fact? You
[11] didn't finish issue your sentence.

[12] A: I just wanted to say again, going back to this again
[13] because your questioning is — we aren't teaching
[14] Intelligent Design.

[15] Q: Let's put that subject aside. You said that the purpose
[16] of the resolution — one of the purposes was to create a
[17] level playing field.

[18] I am asking the question: Before this resolution
[19] was passed, was there not a level playing field in the
[20] Dover School District?

[21] A: I don't believe so.

[22] Q: Why is that?

[23] A: Because, again, I want the kids to critically be able to
[24] think about these things and learn. That is what
[25] science is, a search for truth.

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[1] Q: Prior to this resolution being passed, was there any
[2] prohibition against children critically thinking in
[3] science class?

[4] A: Was there any prohibition?

[5] Q: Was there anything interfering with them critically
[6] thinking?

[7] A: I don't know.

[8] Q: So why was this resolution necessary if there was no
[9] impediment to children critically thinking before it was
[10] passed?

[11] A: I don't know. To the prohibition, I don't know. I'm
[12] trying to understand your questions.

[13] Q: You said that one of the purposes in passing this
[14] resolution was to make a level playing field. And when
[15] I asked you whether there was a level playing field, you
[16] then turned to the issue of whether children were
[17] allowed to critically think.

[18] I am asking you was there any anything stopping
[19] them from critically thinking before that resolution was
[20] passed?

[21] A: When I say critically think is to — there's other
[22] theories except one theory out there. I'm not sure I
[23] understand your question to answer it properly I guess.

[24] Q: Okay.

[25] A: I am trying to.

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[1] Q: Where do you live, Mr. Bonsell?

[2] A: My address?

[3] Q: Do you live in Dover Township?

[4] A: Yes.

[5] Q: How long have you lived in Dover?

[6] A: Oh, my goodness! I have lived in Dover 25 years.

[7] Q: What do you do for a living?

[8] A: I am self-employed.

[9] Q: What do you do?

[10] A: I have an auto repair shop.

[11] Q: Have you had any other careers besides owning the auto
[12] repair shop during your adulthood?

[13] A: Careers?

[14] Q: Job.

[15] A: I was a real estate agent right out of college.

[16] Q: Anything else?

[17] A: Not really, no.

[18] Q: Did you graduate from college?

[19] A: Yes.

[20] Q: What school?

[21] A: I graduated from York College.

[22] Q: What was your major?

[23] A: Business.

[24] Q: Did you take any science classes at York College?

[25] A: I'm sure.

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[1] Q: Do you remember what they were?

[2] A: Not off the top of my head, no.

[3] Q: What year did you graduate?

[4] A: '82.

[5] Q: Do you read — regularly read any newspapers?

[6] A: Yes.

[7] Q: What newspapers do you read?

[8] A: The Dispatch.

[9] Q: Anything else?

[10] A: Occasionally, The Daily Record.

[11] Q: Mr. Bonsell, you are aware there has been quite a bit of
[12] reporting about the issue of the biology curriculum in
[13] both The York Dispatch and York Daily Record?

[14] A: Yes.

[15] Q: Have you made a point of reading the articles about the
[16] subject?

[17] A: I have read quite a few of them.

[18] Q: Have you ever contacted any of the newspapers to advise
[19] them that they had misquoted you or misrepresented
[20] statements you had made?

[21] A: Oh, yeah.

[22] Q: When have you done that?

[23] A: Numerous times I have talked to reporters and told them
[24] that what they have written is not writing it correctly.

[25] What was said wasn't said, you know. Things reported

[1] weren't even discussed. So yeah.

[2] Q: Have you asked any newspaper to issue a correction or
[3] retraction?

[4] A: I have said things to the reporters, but they have never
[5] done a retraction, no.

[6] Q: Have you specifically asked them to do a retraction?

[7] A: I know I talked about the one telling the — hold on a
[8] second. I talked to the one reporter from The Dispatch
[9] about a report that she had written — or I should say
[10] the newspaper wrote that was not factual. And she said
[11] yes, she tried to get a retraction, but they wouldn't
[12] retract it.

[13] Q: Do you remember what the subject matter of that article
[14] was?

[15] A: It had to do with our high school building.

[16] Q: Not the biology curriculum?

[17] A: Not in this particular case, no.

[18] Q: Let's limit the subject matter to the biology
[19] curriculum.

[20] A: Okay, the biology curriculum.

[21] Q: Have you ever asked any newspaper to issue a correction
[22] or retraction for anything they reported about the
[23] biology curriculum?

[24] A: I have asked them to report it correctly. I have asked
[25] them to quit reporting the wrong things all the time and

[1] given them examples. So if that is what you mean, I
[2] have done that numerous times.

[3] Q: Have you ever asked any paper to actually issue a
[4] retraction or a correction?

[5] A: The paper itself? I have asked them to do it. I have
[6] asked the newspaper reporters.

[7] Q: I am including reporters as part of the paper. Have you
[8] actually said can you please correct what you said or
[9] retract what you said?

[10] A: I said please correct what you are saying and put in
[11] what is really being said and done at the school.

[12] Q: Have you ever told any of the reporters over at the
[13] newspaper itself that you personally were being
[14] misquoted or that statements you made were being
[15] misrepresented?

[16] A: Statements that I — I would have to say yes.

[17] Q: Can you remember any specific statements?

[18] A: It is just like I said, when all these newsletters and
[19] things that you are saying about, things they reported
[20] about or we have said or whatever and inserted words
[21] that weren't — I mean have different meanings. Things
[22] are taken out of context, only reporting part.

[23] You know if you say two sentences, and they only
[24] report one, you can make what was said totally
[25] different. Different things along those lines.

[1] Q: But have you ever asked the reporter please correct
[2] something you reported I said because I didn't say that,
[3] or I didn't say it that way?

[4] A: I have asked reporters — I mean I have asked reporters
[5] to change what they are reporting because what we voted
[6] on, what we did, what we are talking about is not what
[7] they are reporting. So I am sure I would be in that of
[8] what is being said.

[9] Q: Did you ever write to any reporter or the newspaper and
[10] ask and state in writing that they had reported
[11] something incorrectly?

[12] A: I went right straight to the reporter that has his name
[13] on the article.

[14] Q: That is fine. But I am asking did you do it in writing?

[15] A: Did I do it in writing?

[16] Q: Yes.

[17] A: In this particular subject?

[18] Q: On the subject of the biology curriculum.

[19] A: I don't recall doing it in writing.

[20] (Deposition Exhibit P-4 was introduced.)

[21] BY MR. ROTHSCHILD:

[22] Q: Mr. Bonsell, I am going to give you a collection of
[23] documents we have marked as P-4. They are a collection
[24] of articles I believe all from The York Dispatch and The
[25] York Daily Record. I am not representing that they are

[1] every single item that was written on the subject, but
[2] we have tried to be comprehensive.

[3] MR. ROTHSCHILD: Dick, you should have a copy.

[4] MR. THOMPSON: I think I have seen those. I will
[5] just look over his shoulder.

[6] BY MR. ROTHSCHILD:

[7] Q: I am going to ask you to look at some of the articles in
[8] this collection.

[9] A: Okay.

[10] Q: If you could turn a few pages to the June 9th, 2004 York
[11] Daily Record Article.

[12] A: (Witness complies.)

[13] Q: Written by Maldonado.

[14] A: Is it June 9th?

[15] Q: Is Mr. Maldonado one of the reporters you have spoken to
[16] about reporting things incorrectly?

[17] A: Yes.

[18] Q: This article refers to a Monday night Board meeting — a
[19] Monday night Board meeting before June 9th, 2004. Do
[20] you see that in the first paragraph?

[21] A: High school Monday night Board meeting, yes, okay.

[22] Q: At the bottom of the page, there is a statement
[23] attributed to you. It says Board President Alan Bonsell
[24] disagreed. And it is disagreeing with something that a
[25] student said saying there were only two theories

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[1] Creationism and evolution that could possibly be taught.
 [2] He said as long as both were taught as theories, there
 [3] would be no problems for the District.
 [4] A: I didn't say that. What is your question? I am sorry.
 [5] Q: Were you aware that this statement was reported in the
 [6] newspaper?
 [7] A: I'm not sure in this particular case.
 [8] Q: Did you say at that meeting that there were only two
 [9] theories that could possibly be taught, Creationism and
 [10] evolution?
 [11] A: I didn't say Creationism. I never have.
 [12] Q: It says that your — is it your testimony that you have
 [13] never talked about Creationism in a School Board
 [14] meeting?
 [15] A: Not in this context. I did not say that, no.
 [16] Q: Have you ever raised —
 [17] A: Not that I recall.
 [18] Q: Let me finish my question.
 [19] A: I am sorry. I thought you were repeating the question
 [20] you just said.
 [21] Q: Have you ever discussed the issue of Creationism at a
 [22] public Board meeting?
 [23] A: No.
 [24] Q: Have any Board members discussed the issue of
 [25] Creationism at School Board meetings, public School

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[1] Board meetings?
 [2] A: Clarify that a little bit more. What do you mean has
 [3] anybody?
 [4] Q: Has anybody brought up the subject?
 [5] A: Mentioned the word?
 [6] Q: Has anybody brought up the subject of teaching
 [7] Creationism in the Dover schools?
 [8] A: I don't recall.
 [9] Q: At the bottom of the page, there is a quote attributed
 [10] to Mr. Buckingham — this country wasn't founded on
 [11] Muslim beliefs or evolution. This country was founded
 [12] on Christianity, and our students should be taught as
 [13] such.
 [14] Are you aware of whether Mr. Buckingham made that
 [15] statement?
 [16] A: I'm not. No, I am not aware. It was after the meeting.
 [17] Q: Turn to the next article.
 [18] A: (Witness complies.)
 [19] Q: Again, this is a reference to the Monday night Board
 [20] meeting?
 [21] A: The same one?
 [22] Q: The article is the next day so I think it is a fair
 [23] inference. It says Board members Alan Bonsell, Noel
 [24] Wenrich and Buckingham spoke aggressively in favor of
 [25] having a biology book that includes theories of creation

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[1] as part of the text.
 [2] Were you aware that that was reported?
 [3] A: I'm not sure if it was reported or not reported. You
 [4] have it looks like many more articles than I have read.
 [5] Q: Did you speak aggressively — did you speak in favor of
 [6] having a biology book that includes theories of
 [7] creation?
 [8] A: No.
 [9] Q: Did Mr. Wenrich?
 [10] A: I don't believe he did either.
 [11] Q: Did Mr. Buckingham?
 [12] A: From what I am reading in this context, I don't — they
 [13] are saying the three of us spoke aggressively. I don't
 [14] recall. I'm not sure.
 [15] Q: During this time period June 10th, 2004, was the School
 [16] District in the process of selecting and purchasing a
 [17] new biology textbook?
 [18] A: At what time?
 [19] Q: During that time period June, 2004.
 [20] A: Yes. Over the summer, they were looking into the
 [21] possibility of purchasing another textbook.
 [22] Q: Had the science faculty recommended a textbook?
 [23] A: The science faculty did recommend a textbook.
 [24] Q: Was the textbook they recommended the one that was
 [25] ultimately purchased, the Miller and Levin textbook?

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[1] A: Yes.
 [2] Q: During the process of selecting the book, did the Board
 [3] or any committee of the Board ever undertake to find a
 [4] different biology textbook for the school than the one
 [5] that the faculty had recommended?
 [6] A: I wasn't in those meetings. I don't know if they did or
 [7] they didn't.
 [8] Q: Was there any effort to find any book that included
 [9] Creationism as part of the text?
 [10] A: There again, I wasn't in those meetings that would have
 [11] done something like that. You are asking me to
 [12] speculate. So I mean if you are asking that question,
 [13] if I am speculating, I would say no.
 [14] Q: If you don't know —
 [15] A: I don't know.
 [16] Q: Just to be clear, Mr. Bonsell, if you don't know at all,
 [17] that is what you should answer. If you know because
 [18] somebody told you it was discussed at a meeting, then
 [19] you should — then —
 [20] A: Okay.
 [21] Q: I want to know if you know that.
 [22] A: Okay.
 [23] Q: Do you know not from participating in a meeting, but
 [24] from other sources that there was an effort to look for
 [25] a textbook that included Creationism?

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[1] A: Not that I recall. Could I just take a quick second
[2] break? I just want to ask my attorney one other
[3] question?
[4] MR. THOMPSON: Sure.
[5] (The witness and his attorney exit the conference
[6] room to confer.)
[7] BY MR. ROTHSCHILD:
[8] Q: Mr. Bonsell, if you could turn to page — to the June
[9] 15th article in the York Dispatch by Heidi
[10] Bernhard-Bubb.
[11] A: (Witness complies.)
[12] Q: Okay?
[13] A: Okay.
[14] Q: Is Ms. Bernhard-Bubb another one of these reporters who
[15] gets stuff wrong about the biology curriculum issue?
[16] A: Yes.
[17] Q: At the very beginning of her article, it says nearly a
[18] hundred Dover residents and teachers attended last
[19] night's School Board meeting to continue debating
[20] whether Creationism should taught alongside evolution in
[21] the high school's biology curriculum.
[22] Does this article accurately report that
[23] Creationism was being debated at School Board meetings?
[24] A: Absolutely not.
[25] Q: There was no discussion about Creationism?

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[1] A: No.
[2] Q: So as we look through these articles — this
[3] uninterrupted series of articles about June meetings
[4] that talk about Creationism being debated at the School
[5] Board meetings and statements made by School Board
[6] members, including yourself, about Creationism, all of
[7] those are just fabricated?
[8] A: Fabricated?
[9] Q: Yes, fabricated.
[10] A: Fabricated? You mean she just made them all up, is that
[11] what you mean?
[12] Q: There's a lot of statements in here about people talking
[13] about Creationism. I think you are suggesting to me it
[14] never happened.
[15] A: All this debate about Creationism, yes, that never did
[16] happen. It was not a debate about Creationism.
[17] Q: Was there debate about the biology book in these
[18] meetings?
[19] A: I believe there was a debate about biology books at
[20] different meetings.
[21] Q: Were there debate about the biology books in the June
[22] meetings?
[23] A: I believe so.
[24] Q: What was the nature of the debate? What was being
[25] debated?

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[1] A: Of whether to buy this textbook or not.
[2] Q: What were the competing positions in favor of and
[3] against buying the textbook?
[4] A: The thing is with all of the books, we look at to see if
[5] they need to be bought or not. The prior science book
[6] that was bought, biology book, was picked by the
[7] teachers. This was before I was here. It was picked by
[8] the teachers, and then they never used it.
[9] And so before we go buying a lot of books, we want
[10] to make sure that this book they are going to use. And
[11] anybody else — any questions, the whole Board gets —
[12] if anybody has questions about anything, they can ask
[13] questions about it.
[14] Q: Was the debate about this biology book just about
[15] whether it was necessary to have a new book or was there
[16] more to the debate?
[17] A: I think there was more to the debate.
[18] Q: Was the more to the debate include what the recommended
[19] biology textbook had to say about the subject of
[20] evolution?
[21] A: About what it had to say? I believe one Board member
[22] brought it up.
[23] Q: What Board member was that?
[24] A: Mr. Buckingham.
[25] Q: What did Mr. Buckingham have to say about this portrayal

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[1] of evolution in the biology textbook being recommended
[2] by the teachers?
[3] A: I believe if I — I don't know his precise words. They
[4] wanted to continue looking for another book. Continue
[5] looking I guess.
[6] Q: What was it about the text on the subject of evolution
[7] that caused Mr. Buckingham to want to look for a
[8] different book?
[9] A: I'm not sure exactly what he said.
[10] Q: Can you remember any issues he identified about the
[11] evolution section of the textbook?
[12] A: Just that that was one of the things he was concerned
[13] about.
[14] Q: What were the nature of his concerns?
[15] A: I'm trying — what I remember is just about the
[16] evolutionary part of it.
[17] Q: It was scientifically wrong?
[18] A: I don't know. I'm not sure all what he said about it.
[19] Q: So you can't remember anything he said about it, but you
[20] are sure all this discussion about Creationism is just
[21] made up?
[22] A: I am sure about that. I mean you have to ask
[23] Mr. Buckingham what he said.
[24] Q: If you could go to the next page of that article, four
[25] full paragraphs down, a statement is attributed to Mr.